



FACT SHEET
for
BAYER CROPSCIENCE LP
EPA ID NUMBER: WVD005005509
HAZARDOUS WASTE MANAGEMENT PERMIT

I. OVERVIEW

This Fact Sheet accompanies the draft permit for Bayer CropScience LP, EPA I.D. Number WVD 005 005 509 located at Institute, West Virginia and was prepared in accordance with Section 11.10 of Hazardous Waste Management Rule (HWMR). The Department of Environmental Protection (DEP), Division of Water and Waste Management (DWWM), intends to issue a Hazardous Waste Management Permit to Bayer CropScience LP.

II. AUTHORITY

(a) Federal Law

The United States Environmental Protection Agency (EPA) under Section 3006 (b) of Resource Conservation and Recovery Act of 1976 (RCRA) has authorized the State of West Virginia to administer and enforce a hazardous waste program, which excludes some provisions of the Hazardous and Solid Waste Amendments of 1984 (HSWA) in lieu of the Federal program under RCRA. EPA will continue to administer these excluded provisions of HSWA until the state receives full RCRA authorization.

(b) State Law

Article 18, Chapter 22 of the West Virginia Code, Hazardous Waste Management Act, hereinafter referred to as the (ACT) designates the Department of Environmental Protection as the regulatory agency for hazardous waste management. Section 7(6), Article 1 Chapter 22 of the West Virginia Code charges the DWWM with administering and enforcing under the supervision of the Secretary, WVDEP, the provisions of the act.

Section 8 of the Act requires a person to have a permit in order to construct, operate, modify or close any facility or site used to treat, store, or dispose hazardous waste.

Presently the facility disposes of hazardous waste under a state permit issued on September 29, 2003 and continues in accordance with 40 CFR 270.51.

II. PURPOSE OF PERMITTING PROCESS

The permitting process provides an opportunity for the public, DWWM and other agencies and stake holders to evaluate the permittee's ability and commitments to comply with the Act and rules promulgated there under.

Section 11.9 of HWMR requires the DWWM to prepare draft permit which sets forth in one concise legal document all the applicable requirements that the permittee must comply with during the duration of the permit.

III. PROCEDURES FOR REACHING A FINAL DECISION

- (a) Pursuant to Section 11.11 of the HWMR, the public and other agencies are given forty five (45) days notice to review and comment on the application, fact sheet and the draft permit. A copy of these documents will be available for public review at the WVDEP, DWWM, Public Information Office, 601 57th Street SE, Charleston, WV 25304.

The comment period will begin **December , 2013** and end **January , 2014**. The contact person for this permit is Mark Priddy, WVDEP-DWWM-Hazardous Waste Permit Unit, 601 57th Street S.E., Charleston, WV 25304, (304) 926-0499, ext. 1287.

- (b) If during forty five (45) day comment period, the Director of DWWM finds sufficient public interest or if he receives written notice of opposition to the draft permit, and a request for a public hearing, a public hearing will be held. A notice of the hearing shall be given thirty (30) days before the scheduled hearing. The hearing shall be scheduled at a location convenient to the residents of Institute, WV.

Any person requesting a public hearing should include reasonable arguments, factual grounds and supporting material. The requests for a hearing should be addressed to Director, DWWM, 601 57th Street S.E., Charleston, WV 25304.

- (c) The Director will decide whether the hearing shall be granted or not based on the significance of the comments submitted.

(d) At the time of final permit issuance, the Director shall respond to all comments received. The response shall address all significant comments received during the public comment period or during the public hearing.

Any person aggrieved or adversely affected by the action of the Director concerning the permit has the right to appeal as provided under Section 20 of the Act.

IV. FACILITY DESCRIPTION

Bayer CropScience LP, Institute plant is located in Institute, West Virginia between West Virginia Route 25 and the Kanawha River. The plant changed ownership from Union Carbide Corporation to Rhone Poulenc Company in 1986. Rhone Poulenc Inc. changed ownership to Aventis CropScience USA LP in the year 2000. Aventis CropScience USA LP changed ownership to Bayer CropScience LP in the year 2002. The Institute plant also has operations of other chemical companies such as UCC a subsidiary of the Dow Chemical Company, Reagent Chemical, Bayer Polymer and Praxair. The plant produces organic chemicals, agricultural products and pesticides.

The hazardous waste management unit included in this permit application are one (1) Landfill for disposal of hazardous waste.

V. PROCEDURES LEADING TO THIS PERMIT

Goff Mountain Landfill

The Goff Mountain Landfill is located north of the plant and was in operation prior to 1980. Typical wastes disposed at GML include WWTU filter cake and occasionally non-hazardous soil. BCS does not plan to accept any off-site waste, and the application reflects that decision.

VI. ORGANIZATION

The permit is divided into Modules as outlined below:

Module I, Standard Conditions;
Module II, General Facility Conditions;
Module III, Goff Mountain Landfill;
Module IV, RCRA Corrective Action.

The following attachments constitute part of this permit:

Attachment 1, Waste Analysis Plan
Attachment 2, Inspection Schedule
Attachment 3, Personnel Training
Attachment 4, Contingency Plan
Attachment 5, Closure and Post closure plan

Alpha-numeric headings in the Attachments are in reference to the Part B permit application.

VII. BASIS FOR PERMIT CONDITIONS

(a) Module I

Module I of the permit sets forth standard conditions that are applicable to all hazardous waste management facilities (TSDs). This permit is regulated by 40 CFR part 270, Subpart C and is supported by regulatory references cited in the permit. The permit condition F-16 of Module I requires the permittee to report non-compliance within 15 days.

(b) Module II

In Module II of the permit most of the conditions are direct citation of a regulatory or statutory requirement. There are a few conditions in this module where DWWM considers regulations vague or inadequate to cover a particular situation and relies on permitting policy. Examples are:

1. Frequency of verifying the analysis of each waste stream and the use of contractors for waste analysis in condition II-B of the permit.
2. In order to further support the closure performance standard of 40 CFR 264.111, DWWM has specified under permit condition II-H.5.b, an advanced notification requirement prior to permittees sampling under the closure plan.
3. In order for the DWWM to grant a partial release in the financial assurance required for the closure, DWWM has stipulated in the permit condition II-H-6 that closure certification by the permittee is applicable to all partial closures and not just those involving land disposal units as specified in 40 CFR 264.115.

(c) Module III

Module III covers the hazardous waste landfill permit conditions supported by regulatory provisions or commitments made by the permittee in the application. The provision of the minimum technology requirements (MTR) are applicable to the active area of landfill. MTR covers the existing area as well as expansion area.

(d) Module IV

Module IV covers ongoing site-wide Corrective Action activities at the Institute site.